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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

de la MONTE et al.

Appl. No. 09/964,667

Filed: September 28, 2001

For: **Transgenic Animals and Cell
Lines for Screening Drugs
Effective for the Treatment or
Prevention of Alzheimer's Disease**



Confirmation No. 3648

Art Unit: 1633

Examiner: To Be Assigned

Atty. Docket: 0609.4370005/RWE/FRC

Petition to Reset Period for Reply

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby request that the period for replying to the outstanding Notice to File Corrected Application Papers be reset. Instead of running from the stated mailing date of November 7, 2001, Applicants request that the period for reply be reset to run from **January 11, 2002** which is the date of receipt of the Notice at the correspondence address.

Applicants believe that the Notice was received late due to delays in the U.S. Postal Service. As evidence that delays in the U.S. Postal Service are responsible for the late receipt of the Notice, Applicants submit herewith a photocopy of the envelope within which the Notice to File Corrected Application Papers arrived at the correspondence address indicating thereon that the mailing was RETURNED FOR POSTAGE.

Applicants submit that the period for reply should be reset because the following criteria, as set forth in MPEP § 710.06, have been met:

- (A) This petition is being filed within two (2) weeks of the date of receipt of the Notice to File Corrected Application Papers;
- (B) A substantial portion of the set reply period had elapsed on the date of receipt of the Notice; i.e., more than the entire two (2) month reply period had elapsed as of January 11, 2002; and

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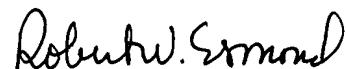
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(C) (1) As evidence showing the date of receipt of the Notice at the correspondence address, Applicants submit herewith a photocopy of the Notice having the date of receipt of the Notice stamped thereon; and

(2) Applicants state that the date of receipt of the Notice at the correspondence address is **January 11, 2002**. The enclosed photocopy of the Notice establishes the date of receipt of the Notice at the correspondence address by the date stamp indicating "JAN 11 2002." The date stamp was mechanically placed on the Notice at the time it was received at the correspondence address.

Respectfully submitted,

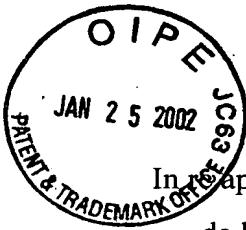
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
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Registration No. 32,893

Date: Jan. 25, 2002

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In reapplication of:

de la MONTE *et al.*

Appl. No. 09/964,667

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Confirmation No. 3648

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Examiner: To Be Assigned

Atty. Docket: 0609.4370005/RWE/FRC

**Petition for Acknowledgment of Deposit of Item with
Originally-Filed Nonprovisional Patent Application Papers**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby contend that the item listed on the outstanding Notice to File Corrected Application Papers as being omitted from the above-captioned patent application was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers on **September 28, 2001**. Applicants submit the following remarks in support of this contention.

The outstanding Notice to File Corrected Application Papers lists "Figure(s) 1a-1c described in the specification" as being omitted from the application. Applicants note that FIG. 1, as filed with the above-captioned application, is an informal drawing depicting a nucleotide and amino acid sequence listing contained on a single page.

Applicants have prepared formal drawings that correspond to the originally-filed informal drawings. The formal drawings are being submitted concurrently with this petition. In preparing the formal drawings it was necessary to divide the sequence information depicted in the originally-filed FIG. 1 among three drawing sheets that have been labeled "FIG. 1A," "FIG. 1B" and "FIG. 1C." Applicants assert that the information contained in FIGS. 1A-1C is identical to that which was found in the originally-filed informal FIG. 1 drawing.

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A preliminary amendment was filed with the above-captioned application on September 28, 2001. Among other things, the preliminary amendment served to amend the paragraph bridging pages 7 and 8 of the specification such that "Fig. 1" was replaced with "Figs. 1A-1C." The purpose of this amendment was to accommodate the subsequent filing of the formal drawings.

Applicants contend that FIGS. 1A-1C were not omitted from the nonprovisional application papers because all of the information found within FIGS. 1A-1C was included within FIG. 1 as filed on September 28, 2001. As evidence that the information found within FIGS. 1A-1C was in fact deposited in the USPTO with the nonprovisional patent application papers, Applicants submit herewith a photocopy of originally-filed FIG. 1.

Applicants also submit herewith the petition fee of \$130.00. Applicants request that the petition fee be refunded if it is determined that the item listed on the Notice to File Corrected Application Papers was received by the USPTO with the nonprovisional application papers.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
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Date: Jan. 25, 2002

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